

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Alonzo Dean Shephard,

Case No. 3:15 CV 1799

Plaintiff,

v.

ORDER

Scott Marquardt, et al.,

Defendants.

On September 3, 2015, plaintiff *pro se* Alonzo Dean Shephard, an inmate at the North Central Correctional Complex, filed this *in forma pauperis* action against the following defendants: Scott Marquardt, Mrs. Edmanstone, Sgt. Burkner, Sgt. Mulvaine, Caseworker Weber, Mrs. Donahue, Warden Neil Turner, Tigart Boyd, Deputy Warden Becky Joyce, Greg Creg, Major Quoniterio, Mrs. Curry, Gary Mohr, Roger Wilson, Governor John Kasich, Mike DeWine, Doctor Khun, Doctor Osborn, Doctor Stein, Sgt. Akers, Mrs. Shuler, and Mrs. Holycross.

Although the Complaint (ECF #1) and Supplement (ECF #7) are mostly illegible, plaintiff appears to allege he was assaulted while sitting in his wheelchair, and that there is a conspiracy to harm him. He further alleges, in general terms, that he is not being provided appropriate medical care and treatment. For the reasons stated below, this action is dismissed without prejudice.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Shephard has on at least three prior occasions filed an inmate civil action in federal court that was dismissed as frivolous or for failure to state a claim. *E.g.*, *Shephard v. Taft*, 2005 WL 1406103, *1 (S.D. Ohio) (citing cases). Further, despite his assertion to the contrary, there are no allegations

in the instant case reasonably suggesting plaintiff is in imminent danger of serious physical injury. Thus, he may not proceed *in forma pauperis*, and this case is subject to summary dismissal. *Rittner v. Kinder*, 290 F. App'x 796, 797-98 (6th Cir. 2008).

Accordingly, this action is dismissed without prejudice. If plaintiff wishes to continue this case, he must, within thirty days of the entry of this order: 1) pay the \$400 filing fee; and 2) file a motion to reopen.

I certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge